

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMOND W. FULLERTON,

Plaintiff,

v.

TIM SAXON, et al.,

Defendant.

No. 2:23-cv-02801-DC-JDP (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION

(Doc. No. 9)

Plaintiff Raymond W. Fullerton is a former county pretrial detainee proceeding *pro se* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 10, 2024, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to Plaintiff's failure to prosecute, failure to comply with court orders, and failure to state a cognizable claim. (Doc. No. 9.) In particular, on March 15, 2024, the court screened Plaintiff's complaint and determined that Plaintiff had failed to state a cognizable claim for relief, and the court therefore directed Plaintiff to file an amended complaint within thirty days. (Doc. No. 7.) Plaintiff did not thereafter file an amended complaint. Accordingly, on July 11, 2024, the court issued an order to Plaintiff to show cause why this case should not be dismissed due to his failure to prosecute and failure to comply with court orders. (Doc. No. 8.) Plaintiff did not respond to that order to show cause. The

1 pending findings and recommendations were served on Plaintiff and contained notice that any
2 objections thereto were to be filed within fourteen (14) days after service. (Doc. No. 9 at 3.) To
3 date, no objections to the findings and recommendations have been filed, and the time in which to
4 do so has now passed.

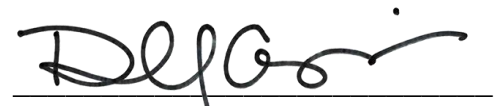
5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
6 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
7 findings and recommendations are supported by the record and by proper analysis.

8 Accordingly:

- 9 1. The findings and recommendations issued on October 10, 2024 (Doc. No. 9) are
10 adopted in full;
- 11 2. This action is dismissed, without prejudice, due to plaintiff's failure to prosecute
12 this action, failure to obey court orders, and failure to state a cognizable claim for
13 relief; and
- 14 3. The Clerk of the Court is directed to close this case.

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16
17 IT IS SO ORDERED.

18 Dated: November 6, 2024


Dena Coggins
United States District Judge